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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/538,258

06/09/2005

Reza Serafat

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4955

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EXAMINER

HENRY, THOMAS HAYNES

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/538,258	Applicant(s) SERAFAT, REZA	
	Examiner THOMAS H. HENRY	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/09/05</u> . | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 3714

Claim Objections

1. Claims 1, 3, 14 and 18 are objected to because of the following informalities: they are improper form. They must be rewritten without dashes. Appropriate correction is required.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 12 and 13 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Carrier waves are non statutory subject matter. Computer code is non statutory subject matter unless it is stored on a computer readable medium.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 6, 7, 9-11, 14, 15, 17, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Unreal Tournament.
5. In re claims 1, 14, and 18 Unreal Tournament discloses
 - Running a multi player game application (page 12)

Art Unit: 3714

- Receiving an indication that said player taking part in said multi-player game is absent, and continuing the game by simulating the participation of said player who is actually absent (page 12 and page 11. You can set a minimum number of players such that if a player drops out of a multi-player match, and the total number of players falls below the minimum number, the player is replaced with a bot. A bot simulates the participation of a player in that it attempts to get kills.)
6. In re claims 2 and 15, Unreal Tournament discloses a network based multiplayer game (page 12. The internet is a network)
 7. In re claim 6, Unreal Tournament discloses said indication that a player is absent comprises a notification received from said absent player (a player “disconnects” from the server as the indication that he is leaving. page 13)
 8. In re claim 7, Unreal Tournament discloses sending a notification to at least one of said players of said multi-player game said notification comprising an information that the participation of at least one player is actually simulated (when a player disconnects, it is shown in the text box. A new player with a bot name will be added to the score list)
 9. In re claim 9, Unreal Tournament discloses terminating said simulation of the participation if said absent player returns to the game (if the player returns, he will take the place of one of the bots)
 10. In re claims 10 and 11, Unreal Tournament discloses program code stored on a computer readable medium (page 2)

Art Unit: 3714

11. In re claim 17, Unreal Tournament discloses said simulation comprising an artificial intelligence component

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unreal Tournament in view of Begis (US 6024643).

14. In re claim 3, Unreal tournament discloses the claimed invention except the invention claimed in claim 3, However Begis discloses

- Monitoring the inputs of at least one player of said multi-player game (column 1 lines 5-11)
- Analyzing said inputs to determine gaming characteristics of said at least one monitored player (column 1 lines 5-11)
- Simulating the participation of said absent player in correspondence with said determined gaming characteristic (column 2 lines 65-67, column 3 lines 1-12)

15. It would have been obvious to one skilled in the art at the time the invention was made to combine Unreal Tournament with Begis in order to allow for a more realistic experience.

Art Unit: 3714

16. In re claim 4, Begis discloses determining a result of said game based on said determined gaming characteristics of said at least one monitored player (column 3 lines 15-22)

17. In re claim 5, Begis discloses transferring said determined gaming characteristics to another gaming device (column 6 lines 36-52)

18. Claims 8 and 16 are rejected under 35 U.S.C 103(a) as being unpatentable over Unreal Tournament.

19. In re claim 8, Unreal tournament discloses the claimed invention except for interruption of said game if all players are absent. However stopping a game where all the players are bots was a well known technique. It would have been obvious to one skilled in the art at the time the invention was made to stop the game when all players stopped playing because the game would no longer have any active members interested in the game.

20. In re claim 16, Unreal Tournament discloses the claimed invention except for a mobile telephone. However playing first person shooters on mobile telephones was well known in the art at the time the invention was made. It would have been obvious to one skilled in the art at the time the invention was made to combine Unreal Tournament with this well known gaming device in order to allow for the game to be played on a phone.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS H. HENRY whose telephone number is (571)270-3905. The examiner can normally be reached on M-F 9 AM - 4 PM.

Art Unit: 3714

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thomas H Henry
Examiner
Art Unit 3714

/XUAN M. THAI/
Supervisory Patent Examiner, Art Unit 3714